

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

PERCY S. COBBINS,

Plaintiff,

v.

**1:09-CV-1305
(FJS/VEB)**

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

APPEARANCES

OF COUNSEL

OFFICE OF PETER M. MARGOLIUS

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Catskill, New York 12414

Attorneys for Plaintiff

SOCIAL SECURITY ADMINISTRATION

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OFFICE OF REGIONAL GENERAL

COUNSEL REGION II

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Attorneys for Defendant

SCULLIN, Senior Judge

ORDER

Plaintiff commenced this action on November 23, 2009, seeking judicial review of Defendant's final decision denying him supplement security income benefits and disability insurance benefits under the Social Security Act. *See* Dkt. No. 1. Defendant filed an answer on March 8, 2010. *See* Dkt. No. 8. Plaintiff filed a supporting brief on March 22, 2010, *see* Dkt. No. 9; and Defendant filed a brief in opposition on March 29, 2010, *see* Dkt. No. 10.

Proceeding as if both parties had accompanied their briefs with a motion for judgment on

the pleadings, *see* Gen. Order No. 18, Magistrate Judge Bianchini recommended that the Court grant Defendant's motion and deny Plaintiff's motion. *See* Dkt. No. 12 at 15-16. The parties did not file any objections to these recommendations.

When a party does not object to a magistrate judge's report-recommendation, the court reviews that report-recommendation for clear error or manifest injustice. *See Linares v. Mahunik*, No. 9:05-CV-625, 2009 WL 3165660, *10 (N.D.N.Y. July 16, 2009) (citation and footnote omitted). After conducting this review, "the Court may 'accept, reject, or modify, in whole or in part, the . . . recommendations made by the magistrate judge.'" *Id.* (quoting 28 U.S.C. § 636(b)(1)(C)).

The Court has reviewed Magistrate Judge Bianchini's March 1, 2012 Report and Recommendation for clear error and manifest injustice; and, finding none, the Court hereby

ORDERS that Magistrate Judge Bianchini's March 1, 2012 Report and Recommendation is **ACCEPTED in its entirety** for the reasons stated therein; and the Court further

ORDERS that Plaintiff's motion for judgment on the pleadings is **DENIED**; and the Court further

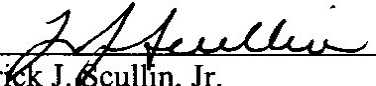
ORDERS that Defendant's motion for judgment on the pleadings is **GRANTED**; and the Court further

ORDERS that Defendant's final decision denying benefits is **AFFIRMED**; and the Court further

ORDERS that the Clerk of the Court shall enter judgment in favor of Defendant and close this case.

IT IS SO ORDERED.

Dated: March 21, 2012
Syracuse, New York



Frederick J. Scullin, Jr.
Senior United States District Court Judge